

United States District Court

Western District of Michigan

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

-vs-

Case Number: 1:11-cr-211

GILBERTO HERNANDEZ-ARAGON

USM Number: 15939-040

Sean R. Tilton
Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to Count One of the Indictment.
☐ pleaded nolo contendere to Count(s) ____, which was accepted by the court.
☐ was found guilty on Count(s) ____ after a plea of not guilty.

The defendant is adjudicated guilty of this offense:

<u>Title & Section</u>	<u>Offense Ended</u>	<u>Count No.</u>
8 U.S.C. § 1326(a)	June 20, 2011	One

Nature of Offense

Present in the United States After Having Been Previously Deported Subsequent to Three Misdemeanor Convictions Involving Crimes Against Persons

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS ORDERED that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Date of Imposition of Sentence: March 8, 2012

DATED: March 8, 2012

/s/ Janet T. Neff
JANET T. NEFF
UNITED STATES DISTRICT JUDGE

AO 245B (MIWD Rev. 09/11)- Judgment in a Criminal Case

Judgment – Page 2

Defendant: GILBERTO HERNANDEZ-ARAGON

Case Number: 1:11-cr-211

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **FIFTEEN (15) MONTHS, with no term of supervised release to follow.**

☒ The Court makes the following recommendations to the Bureau of Prisons:

1. It is recommended that the defendant receive anger management programming.
2. It is recommended that the defendant be placed in or near the state of Michigan.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The Defendant shall surrender to the United States Marshal for this district:

- ☐ At _____ on _____.
- ☐ As notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ Before 2:00 P.M. on _____.
- ☐ As notified by the United States Marshal.
- ☐ As notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ To _____

At _____, with a certified copy of this judgment.

United States Marshal

By: _____
Deputy U.S. Marshal

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Judgment – Page 3

Defendant: GILBERTO HERNANDEZ-ARAGON

Case Number: 1:11-cr-211

CRIMINAL MONETARY PENALTIES¹**Assessment**

Remitted

Fine

Waived

Restitution

-0-

- ☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee**Total Loss****Restitution Ordered****Priority or Percentage**

- ☐ Restitution amount ordered pursuant to plea agreement: \$
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options in the Schedule of Payments may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The Court determined that the defendant does not have the ability to pay interest and it is ordered that:
- ☐ the interest requirement is waived for the fine.
 - ☐ the interest requirement is waived for the restitution.
 - ☐ the interest requirement for the fine is modified as follows:
 - ☐ the interest requirement for the restitution is modified as follows:

¹ Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.